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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,770	11/15/2001	R. Dennis Nesbitt	P-5915	4535

24492 7590 04/14/2003

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EXAMINER

GORDON, RAEANN

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,770

Applicant(s)

NESBITT, R. DENNIS

Examiner

Raeann Gorden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiraoka et al (Re 35,293). Regarding claim 1, Hiraoka discloses a golf ball comprising a core made from a polybutadiene (A). Polybutadiene (A) may be commercially available BUNA CB 10 (col 1, lines 52-67). According to applicant's spec page 11, table 3 BUNA CB 10 has a solution viscosity of 140 ± 20 mPa*s. Regarding claim 2, the COR value is an inherent feature since the polybutadiene is identical to applicant's. Regarding claim 3, applicant appears to be claiming a method of production which is not relevant to the final product. However, any properties based on the polybutadiene are inherent since applicant's is identical to Hiraoka. Regarding claim 4, Hiroaka discloses a Mooney viscosity range from 45 to 90 (col 1, line 59) and applicant discloses BUNA CB 10 has a Mooney viscosity of 47 ± 5 (spec table 3). Regarding line 5, the golf ball includes a cover (col 2, lines 58-61). Regarding claim 6, the polybutadiene has a 1-4 cis content of 80% or more (col 1, lines 53-55) and applicant discloses BUNA CB 10 has a 1-4 cis content of 96% or more (page 11, table 3). Regarding claim 7, the core composition includes a second polybutadiene (B)(col 2, lines 1-5). Regarding claim 8, according to

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applicant's spec page 11, table 3 BUNA CB 10 (Hiroaka polybutadiene A) has a solution viscosity of 140 ± 20 mPa*s. Regarding claim 9, the COR value is an inherent feature since the polybutadiene is identical to applicant's. Regarding claim 10, Hiraoka discloses a golf ball comprising a core made from a polybutadiene (A). Polybutadiene (A) may be commercially available BUNA CB 10 (col 1, lines 52-67). According to applicant's spec page 11, table 3 BUNA CB 10 has a solution viscosity of 140 ± 20 . The COR value is an inherent feature since the polybutadiene is identical to applicant's. Regarding claim 11, the polybutadiene has a 1-4 cis content of 80% or more (col 1, lines 53-55) and applicant discloses BUNA CB 10 has a 1-4 cis content of 96% or more (page 11, table 3). Regarding claim 12, applicant appears to be claiming a method of production which is not relevant to the final product. However, any properties based on the polybutadiene are inherent since applicant's is identical to Hiraoka. Regarding claim 13, the core composition includes a second polybutadiene (B)(col 2, lines 1-5). Regarding claim 14, Hiroaka discloses a Mooney viscosity range from 45 to 90 (col 1, line 59) and applicant discloses BUNA CB 10 has a Mooney viscosity of 47 ± 5 (spec table 3). Regarding claim 15, according to applicant's spec page 11, table 3 BUNA CB 10 (Hiroaka polybutadiene A) has a solution viscosity of 140 ± 20 mPa*s. Regarding claims 16 and 17, Hiroaka discloses the method of making a golf ball including selecting BUNA CB 10 for the core material and molding the core composition (col 2, lines 55-60). The performance features of the core are inherent since the material is identical to applicants. Regarding claim 18, the features of the polybutadiene are inherent since the material is identical to applicants. Regarding claim 19, Hiroaka discloses a Mooney

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viscosity range from 45 to 90 (col 1, line 59) and applicant discloses BUNA CB 10 has a Mooney viscosity of 47 ± 5 (spec table 3). Regarding claim 20, according to applicant's spec page 11, table 3 BUNA CB 10 (Hiroaka polybutadiene A) has a solution viscosity of 140 ± 20 mPa*s.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 703-308-8354. The examiner can normally be reached on 7:30 AM to 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Raeann Gorden
Patent Examiner
AU 3711

rg
April 7, 2003